

## **JOINT PUBLIC NOTICE**

### **U.S. ARMY CORPS OF ENGINEERS AND WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY AND U.S. ENVIRONMENTAL PROTECTION AGENCY**

#### **PROPOSED GENERAL PERMIT 82-02**

The District Engineer, Omaha District, U.S. Army Corps of Engineers (Corps), 106 South 15th Street, Omaha, Nebraska, 68102 proposes to re-issue General Permit 82-02 (GP 82-02), pursuant to Section 404 of the Clean Water Act of 1972 (Section 404). GP 82-02 would authorize federal, state, and local agencies, as well as the general public, to construct fish habitat restoration and enhancement features in creeks, streams and rivers within the State of Wyoming. The current permit is set to expire on October 31, 2004. This would be the fourth issuance of GP 82-02, which was established in June 1982.

Under the authority of Section 404, the Corps regulates the discharge of dredged and fill material in waters of the United States, including wetlands. GP 82-02 would be issued in accordance with the "Regulatory Programs of the Corps; Final Rule," as published in the Federal Register, Volume 51, Number 219, dated November 13, 1986. Sections 322.2(f), 323.2(h), and 325.5(c) of those regulations give the District Engineer authority to issue general permits on a regional basis for certain categories of activities that are substantially similar in nature and result in minimal individual and cumulative environmental impacts. General permits allow for a streamlined permit processing and approval procedure. Verification to proceed under the authorization of a general permit is routinely granted within 30 days after receipt of a complete Notice of Intent for activities that are consistent with the terms and conditions of the permit. General permits are not intended to eliminate the requirement to notify the Corps prior to undertaking activities that are subject to regulation under Section 404.

GP 82-02 would authorize certain types of activities designed to enhance fish habitat. Authorized activities are described in Appendix A. Typical drawings depicting common fish habitat enhancement features are also attached. All activities must be accomplished in compliance with specific terms and conditions as described in Appendix B. The proposed terms and conditions are necessary for compliance with regulations and policies established pursuant to the goal of the Clean Water Act of 1972, which is "...to restore and maintain the chemical, physical, and biological integrity of the nation's waters."

GP 82-02 has authorized 257 projects since it was issued in 1982, 70 of which have been constructed under the current version of GP82-02 issued on October 6, 1999. The Wyoming Game and Fish Department has monitored a number of activities that were constructed and maintained under the provisions of the permit and concluded that the types of activities have had beneficial results.

At this time, the Corps is soliciting comments from the public; federal, state and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the potential impacts of activities that would be authorized by GP 82-02. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny GP 82-02. To make this decision, comments are used to assess impacts on water quality, wetlands, historic properties, endangered species, and the other public interest factors listed below. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activities.

Any person may request, in writing and within the comment period specified in this notice, that a public hearing be held for the purpose of gathering additional information. Requests for public hearings must be identified as such and shall state specifically the reasons for holding a public hearing and shall identify what additional information would be obtained. Requests must be submitted to:

U.S. Army Corps of Engineers  
Wyoming Regulatory Office  
2232 Dell Range Boulevard, Suite 210  
Cheyenne, Wyoming 82009-4942

Any interested party (particularly officials of any town, county, state, federal agency, or local association whose interests may be affected by activities to be authorized by GP 82-02) is invited to submit to this office written facts, arguments for or against, or objections on or before the expiration date of this notice. Any agency or individual having an objection to the proposed GP 82-02 should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this permit.

The Wyoming Department of Environmental Quality (WDEQ) and Environmental Protection Agency (EPA) have authority to place additional conditions on authorized activities under authority of Section 401 of the Clean Water Act of 1972 (Section 401).

Section 401 gives the WDEQ and EPA authority to further regulate activities requiring a federal license or permit, such as, a Section 404 permit, based on concerns for water quality.

Section 404 permits, including general permits, cannot be issued without certification from the WDEQ or EPA that authorized activities will not violate state water quality standards. The EPA evaluates Section 401 certification issues for activities that are located on Tribal lands within the Wind River Indian Reservation. The WDEQ evaluates Section 401 certification issues in all other waters of the State of Wyoming.

The WDEQ, Water Quality Division, and the EPA will also consider comments with an intent to certify in accordance with provisions of Section 401 of the Clean Water Act, as stated above. Certification, if issued, will express the WDEQ's and EPA's determination that authorized activities will not result in a violation of applicable water quality standards if conducted in accordance with conditions imposed by those agencies. The WDEQ and EPA hereby incorporates this public notice as its own public notice and procedures by reference thereto.

In compliance with the National Historic Preservation Act of 1966 and 36 CFR 800, the Corps has determined that there should be no historic properties subject to effect because authorized activities must occur in active stream channels. However, the Corps will check the National Register of Historic Places and its current supplements to determine if additional limitations on GP 82-02 are warranted. The Corps will also consider comments concerning cultural resources provided by the Wyoming State Historic Preservation Officer and others in response to this public notice.

In compliance with the Endangered Species Act of 1972, each activity authorized by GP 82-02 must be reviewed prior to receiving verification to proceed. As part of that review, the Corps will determine if any activity may affect threatened or endangered species or critical habitat. The Corps will consult with the U.S. Fish and Wildlife Service on all activities that may affect a species designated as threatened or endangered, or its critical habitat. No activity would be authorized if it is likely to jeopardize the continued existence of a federally listed threatened or endangered species or its critical habitat.

The decision whether to re-issue GP 82-02 will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activities on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposed activities, must be balanced against any reasonably foreseeable detriments. All factors which may be relevant to the decision will be considered including: water quality, wetlands, historic properties, fish and wildlife values, recreation, flood hazards, flood plain values, general environmental concerns, land use, navigation, shoreline erosion and accretion, water supply and conservation, energy needs, safety, food and fiber production, mineral needs, conservation, economics, aesthetics, considerations of property ownership and, in general, the needs and welfare of the public.

In addition, evaluation of the activities' impacts will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under the authority of Section 404 (b) of the Clean Water Act of 1972 (40 CFR Part 230). Part 230.7 of the guidelines establish specific criteria to be used in evaluating general permits to ensure that authorized activities are similar in nature and have minimal impacts both individually and cumulatively.

If issued, GP 82-02 would be in effect for a period of approximately five years from date of issuance. However, it will be subject to modification, suspension, or revocation by the District Engineer in accordance with applicable regulations and in consideration of the public interest as noted above. To obtain verification, project proponents will be required to submit a Notice of Intent to the Corps following the notification procedure described in Appendix C prior to initiating any activities authorized by GP 82-02. The District Engineer further retains discretionary authority to prohibit the use of the permit on a case-by-case basis and require the submittal of an individual permit application if it is determined that a particular activity would result in more than minimal impacts on the aquatic environment.

All replies to this public notice should be sent to the Corps at the address listed above. Matthew Bilodeau or Michael Burgan, in the Wyoming Regulatory Office may be contacted for additional information at (307) 772-2300.

**Comments received after the expiration date of this public notice will not be considered.**

This and other public notices issued by the Wyoming Regulatory Office can also be obtained by visiting its web site at <http://www.nwo.usace.army.mil/html/od-rwy/Wyoming.htm>.

## **APPENDIX A AUTHORIZED ACTIVITIES**

All authorized activities are intended to create or enhance fish habitat components. See attached drawings for additional details associated with each feature.

**1. Log/Timber Overpour Plunges** - These features are used to provide additional pool habitat. A maximum of 50 cubic yards of material may be placed and redistributed.

**2. Digger Logs** - These features are used to provide additional cover. A total of 50 cubic yards of material may be placed and redistributed per feature.

**3. Sills (perpendicular, diagonal, or K-Sill)** - These features are used to increase channel pool areas and assist in bank building. They provide additional holding, cover and resting habitat. No more than 50 cubic yards can be discharged and redistributed per feature.

**4. Scattered Boulder and Tree Placement** - These features are used to provide slack water areas for velocity protection and resting areas. A maximum of 100 cubic yards of rock and trees can be used per project.

**5. Tree and/or Rock Revetments** - These features are used for increased cover and resting habitat. A maximum of 1 cubic yard per lineal foot and no more than 1,000 lineal feet of bank can be treated per project.

**6. Log/Timber Deflectors** - These features are used for increased resting habitat. Maximum fill per deflector is 4 cubic yards.

**7. Spawning Gravels** - These fills are used to create and enhance spawning areas. No more than 50 cubic yards per spawning bed is allowed.

**8. Debris Catchers** - These features are used to catch wood debris and provide cover habitat. They can result in grade control and allow for bank development, which provides additional cover. Fills must include upstream arch or "v" in design and cannot exceed 50 cubic yards per feature.

**9. Fish Barriers** - These features are used to produce controlled habitat areas, inhibit upstream migration of undesirable species as well as provide grade control. A maximum of 50 cubic yards can be discharged per barrier.

**10. Point Bar/Channel Constrictions with Associated Pools** - These features are used to provide increased velocity and deeper water areas for increased spawning and holding habitat. Constrictions cannot exceed 1,000 lineal feet of channel bank treated per project. No more than 1/3 acre of wetland can be filled per project. Project design must incorporate features, which result in wetland creation.

PERMITTEE: General Public  
DA PERMIT NO.: 198223002

## **APPENDIX B SPECIAL CONDITIONS**

All activities authorized under this permit must comply with the following special conditions:

**1. Water Quality:** The permittee must comply with any conditions established by the Wyoming Department of Environmental Quality's Water Quality Division or Environmental Protection Agency in accordance with their authority under Section 401 of the Clean Water Act of 1972. Individual certification must be obtained for class I waters.

**2. Historic Properties:** No activity is authorized that would adversely impact sites included in the most current listing of the National Register of Historic Places or sites known to be eligible for such listing, sites included in the National Register of Natural Landmarks, or any other known historic, cultural, or archaeological sites until the District Engineer has complied with the provisions of 33 CFR Part 325, Appendix C pursuant the National Historic Preservation Act of 1966. Individual NOI's will be consulted on as appropriate.

**3. Threatened and Endangered Species:** No activity is authorized that is likely to jeopardize the continued existence of species, or their critical habitats, designated or proposed for designation as threatened or endangered pursuant to the Endangered Species Act of 1972. Individual NOI's will be consulted on as appropriate.

**4. Wetlands:** Channel constriction activities are the only action that can occur in wetlands with fills not exceeding 1/10th acre for an entire project.

**5. Tribal Rights:** No activity is authorized that would impair reserved tribal rights; including, but not limited to, water, fishing, and hunting rights.

**6. Suitable Fill Material:** No discharge may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material discharged must be free from toxic pollutants in toxic amounts as required by Section 307 of the Clean Water Act. In Wyoming, the Corps issued a notice of prohibition against the use of certain materials as fill in a Public Notice dated March 21, 1994.

**7. Proper Maintenance:** Any fill authorized must be properly maintained, including maintenance necessary to ensure public safety.

**8. Water Supply Intakes:** No discharge may occur in the proximity of a public water supply intake.

## **APPENDIX B SPECIAL CONDITIONS CONTINUED**

**9. Wild and Scenic Rivers:** No discharge may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed discharge will not adversely effect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, Forest Service, Bureau of Land Management, Fish and Wildlife Service).

**10. Restricted Waterways:** This permit cannot be used in the Bear, Bighorn, Clarks Fork Yellowstone, Green, Gros Ventre, Laramie, Little Snake, North Platte, Shoshone (North Fork, South Fork, Main), Snake, and Wind Rivers, and their associated wetlands.

**11. Stockpiling:** Storage of excess soil, channel sediments, unwanted vegetation or other material in flowing water is not authorized.

**12. Minimization:** Permittees are required to minimize adverse effects of projects by:

- limiting the clearing of vegetation to that which is absolutely necessary for construction purposes
- reseeded areas along banks which are disturbed or cleared with vegetation indigenous to the project area
- maintaining close coordination with downstream water users, advising them of any water quality changes to be caused by the construction
- controlling all construction debris, fill, and other materials disposed on upland in such a way that it cannot enter a waterway or wetland
- undertaking all work in a waterway in such a manner so as to limit increases in suspended solids and turbidity
- ensuring that no petroleum products, chemicals, or other deleterious materials be allowed to enter or be disposed of in such a manner so that they could enter the water and that precautions be taken to prevent the entry of these materials into the water.

PERMITTEE: General Public  
DA PERMIT NO.: 198223002

## APPENDIX C NOTIFICATION PROCEDURE

All persons with a desire to construct habitat projects in accordance with General Permit (GP) 82-02 are required to submit a “**Notice of Intent**” (NOI) to the Corps at the following address at least 30 days prior to the anticipated start of Construction: **U.S. Army Corps of Engineers, Wyoming Regulatory Office, 2232 Dell Range Blvd., Suite 210, Cheyenne, Wyoming 82009-4942.**

All NOI’s must contain sufficient information for the Corps to determine if a project complies with the terms and conditions of GP82-02. All NOI’s must contain at a minimum the information described below. However, the Corps, WDEQ, or EPA may require more detailed information if necessary to ensure compliance. No person is allowed to proceed with any authorized activities until the Corps issues them with a letter of verification.

- 1. Applicant:** Name, address, and telephone number of applicant (landowner) and contact persons.
- 2. Adjacent Landowners:** Name, address, and telephone number of adjacent property owners and a statement that they have been notified about the project.
- 3. Project Location:** A legal description of the project location, including borrow and disposal sites, by quarter/quarter section, township, and range. An enlarged copy of the appropriate portion of the U.S. Geological Survey topographic map for the area is the preferred method of specifying location information.
- 4. Project Description:** A brief written description of the project including primary purpose; composition and volume of fill material and areas of excavation; number and location of project features, area and depth of fill, and wetland areas and an estimate of the total wetland area that will be affected by the project based on a wetland delineation (see item 6); length and width of stream (including ephemeral drainages) to be affected, types and number of construction equipment to be used, total area of surface disturbance, including uplands; and any other pertinent information.
- 5. Project Drawings:** Drawings of the project, preferably on 11” x 17” paper. Drawings must include at least a plan view of the creek, stream or river with all project features easily discernible on it. For projects that involve fills in wetlands for channel constrictions, a baseline wetland delineation map showing existing wetland boundaries and water features. Channel constriction projects must also include accurate channel width measurements with cross sections.



PERMITTEE: General Public  
DA PERMIT NO.: 198223002

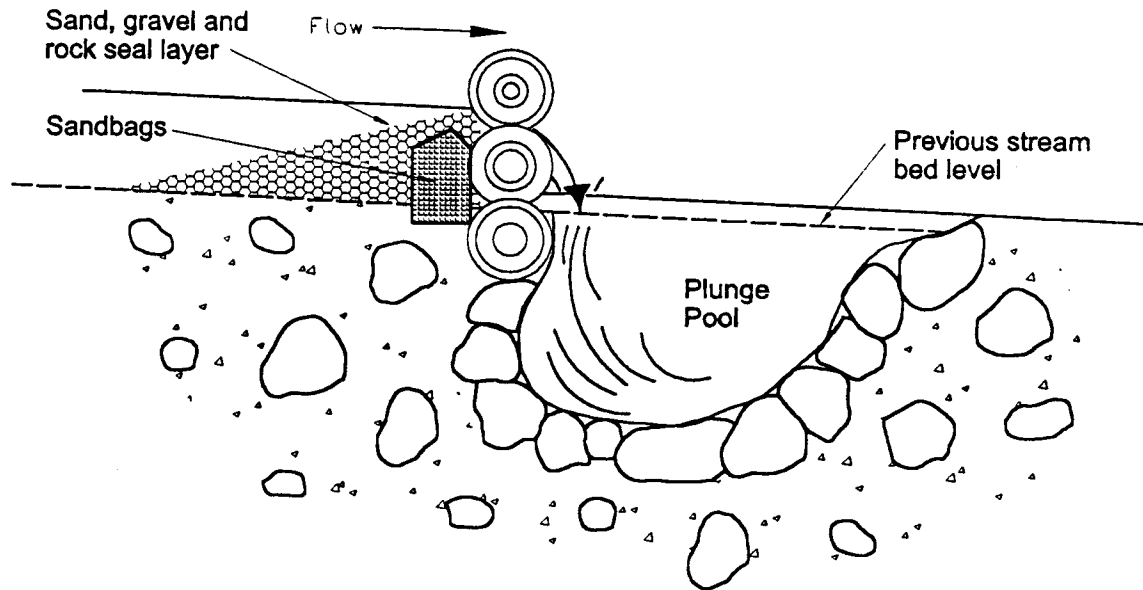
## **APPENDIX C NOTIFICATION PROCEDURE**

**6. Wetland Delineation, Mitigation Plans, Monitoring and Channel Stability:** Projects which involve Point Bar/Channel Constrictions with Associated Pools that involve wetland fills must include a wetland delineation for the entire project area, including all areas that could be impacted, if the project includes activities that would require filling wetlands. Delineations must be completed by qualified individuals in accordance with the U.S. Army Corps of Engineers Wetland Delineation Manual dated January 1987 and any updates and supplements thereto. A list of wetland delineation consultants and more detailed information on delineation requirements are available upon request, and on our website. Delineation maps must show all areas that meet the definition of a wetland, as defined in the manual, and all other water features such as ditches, streams, ponds, and lakes. Mitigation plans which satisfy most of the information requirements outline in Compensatory Mitigation Guidelines for Wyoming must be included for all wetland fills. Additionally, channel stability analysis and post-construction monitoring may be required for these types of actions.

**7. Letter of Concurrence:** A letter from the Wyoming Game and Fish Department stating that they have reviewed the design and concur with the proposed habitat improvement project. The letter must state what aquatic species would benefit from the proposed habitat restoration or enhancement and the relative extent of those benefits. It should also state which, if any, aquatic species could be adversely affected by the project.

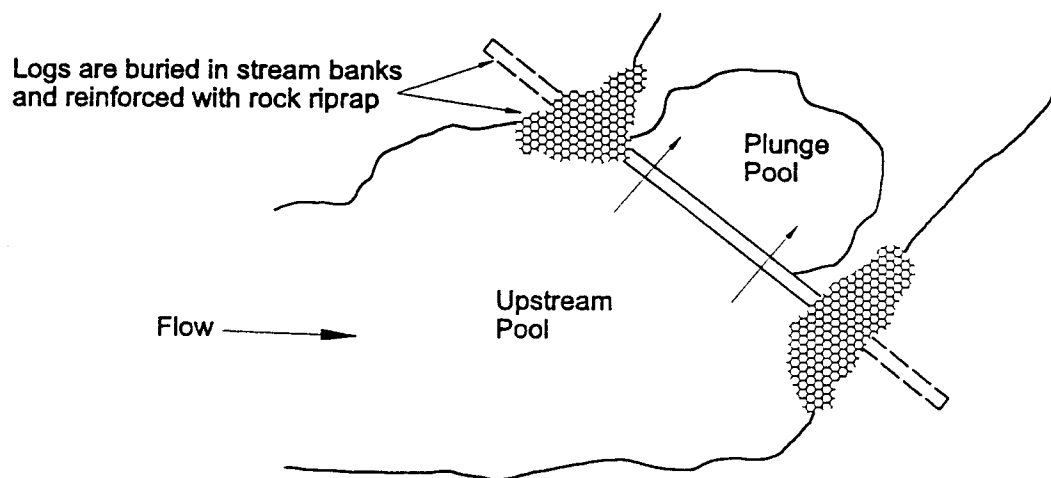
**8. Photographs:** The applicant is encouraged to provide color photographs of the project area, especially typical wetland/upland boundaries, in order to facilitate permit processing.

# Log/Timber Overpour Plunge Structure



Section

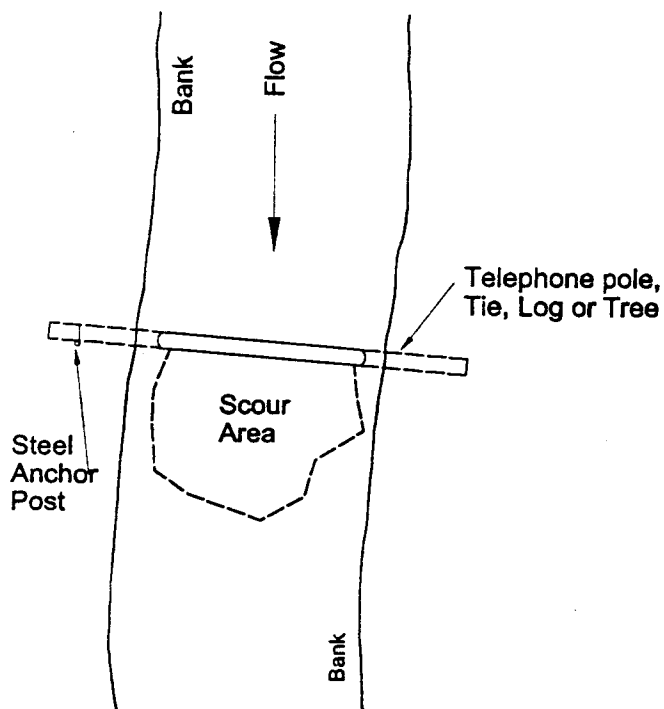
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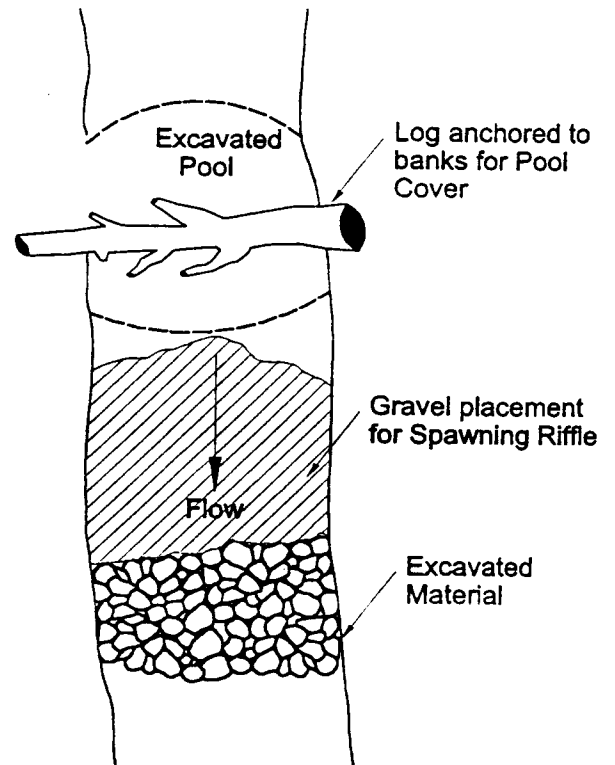
Plan

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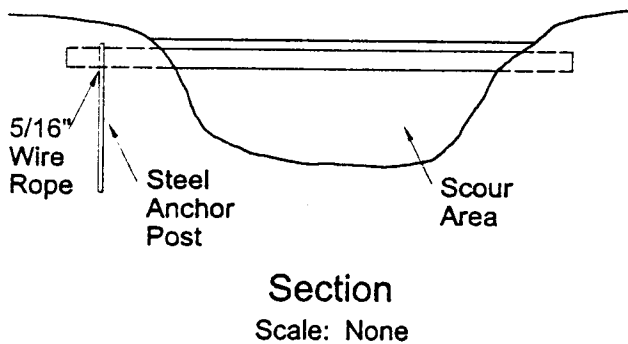
# Digger Logs



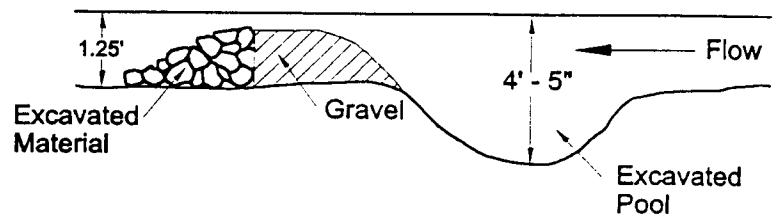
Digger Log  
Plan  
Scale: None



Log Covered Pool  
& Downstream Spawning Riffle  
Plan  
Scale: None

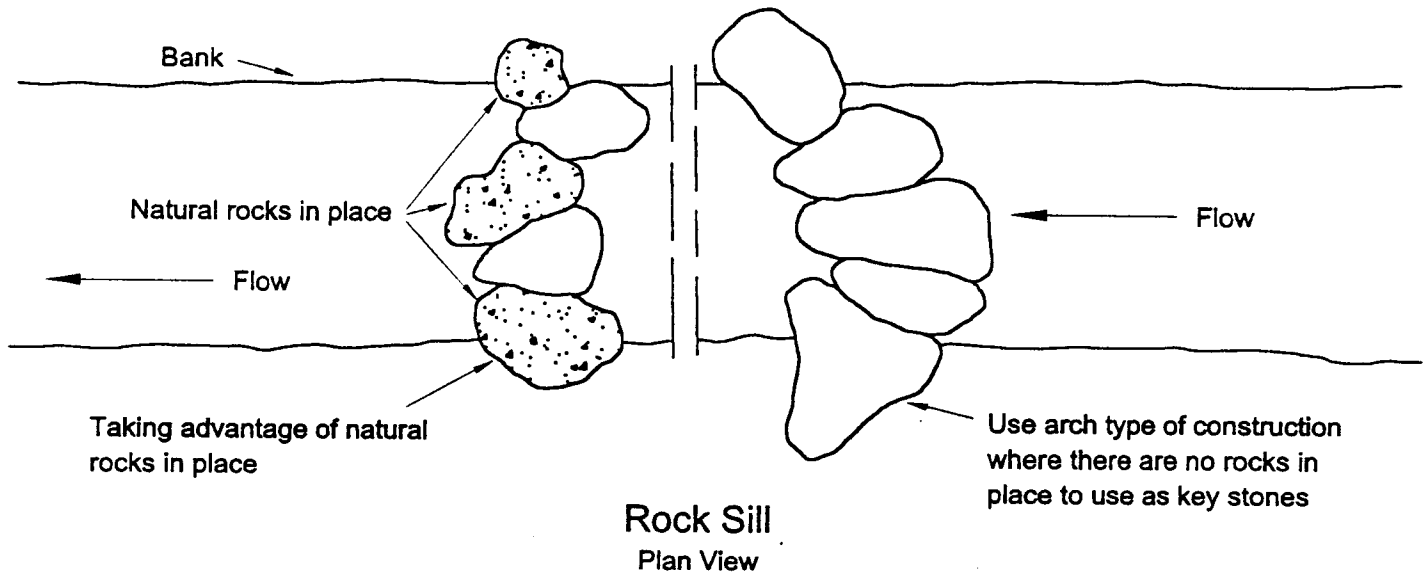


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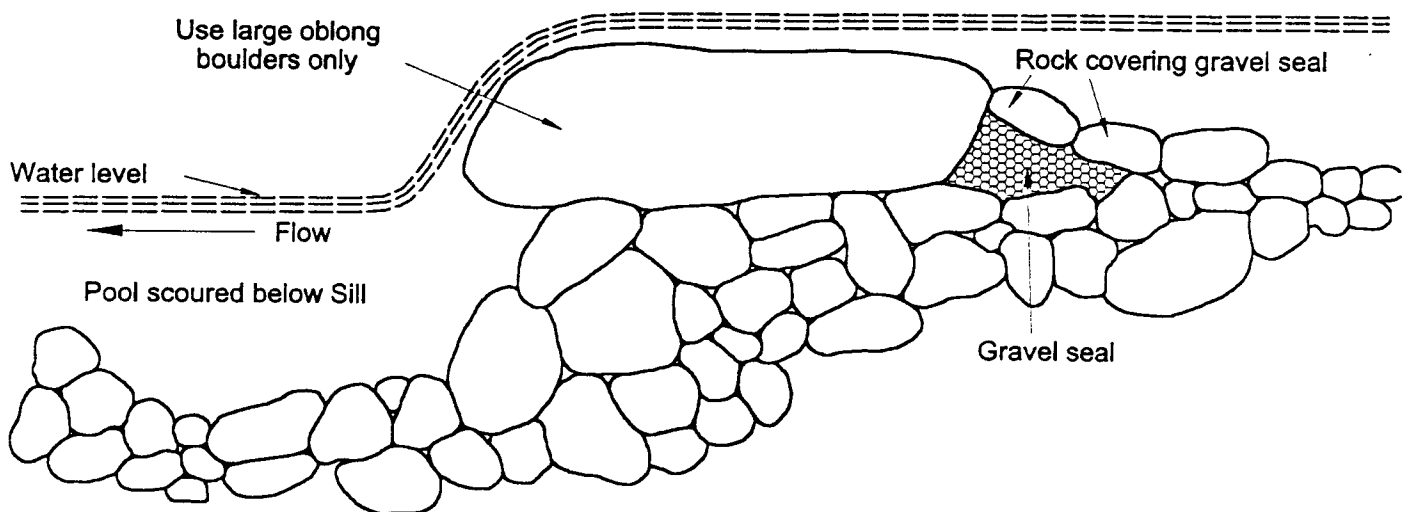


Section  
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## Rock Sill



Showing construction under different conditions

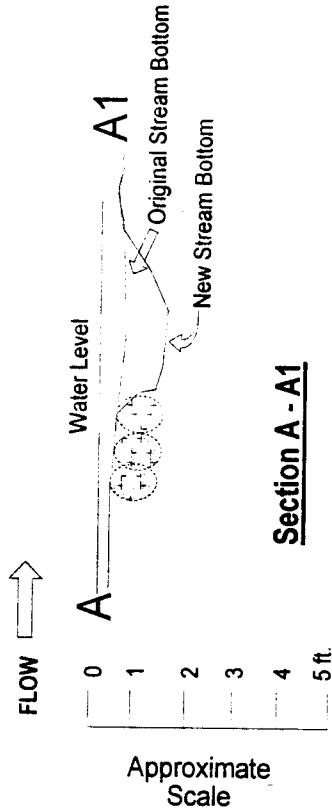
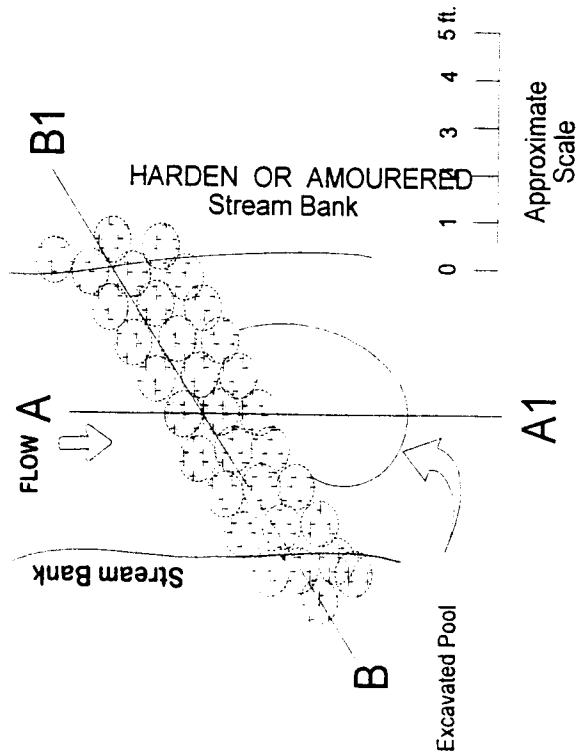


Rock Sill  
Cross Section

# ROCK \ BOULDER SILL

## (Diagonal to Flow)

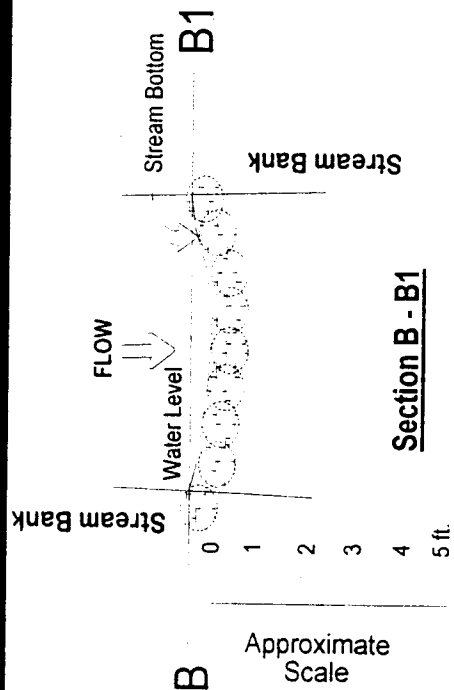
### Plan View



### DIAGONAL SILL

1. The DIAGONAL SILL is always lower in the middle.
2. The rocks **MUST** slope down from the bank to the MID point.
3. Use the material excavated from the pool to fill the spaces between the rock.
4. Anchor the ends into the bank.
5. Try to confine the low flow to the middle 1/3 of the creek. The **LOWEST POINT** may be placed at any point to move the current from side to side.
6. Amour the banks with rip-rap where needed to protect banks.

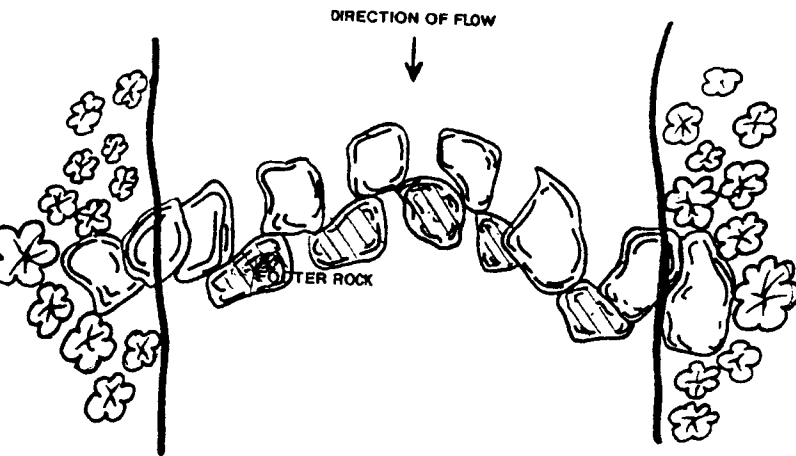
SCALE TO SITE



# ROCK \ BOULDER SILL 3

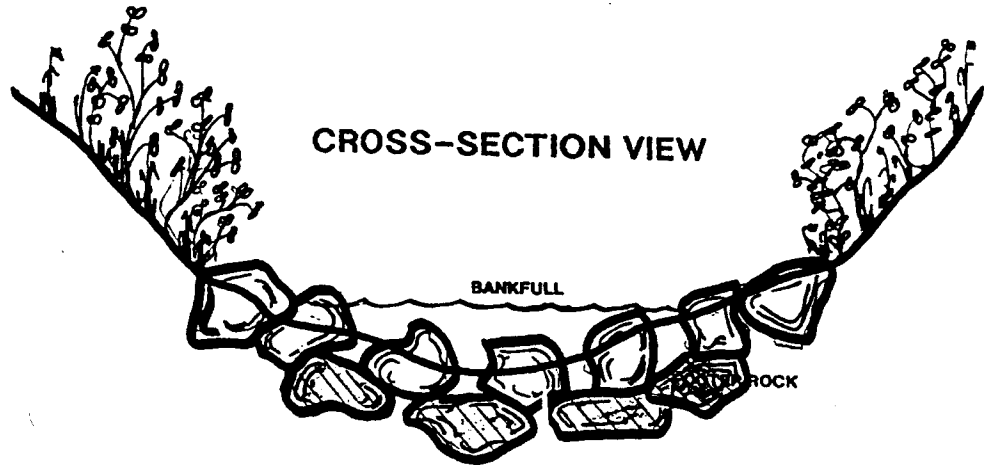
(Perpendicular to Flow)

PLAN VIEW

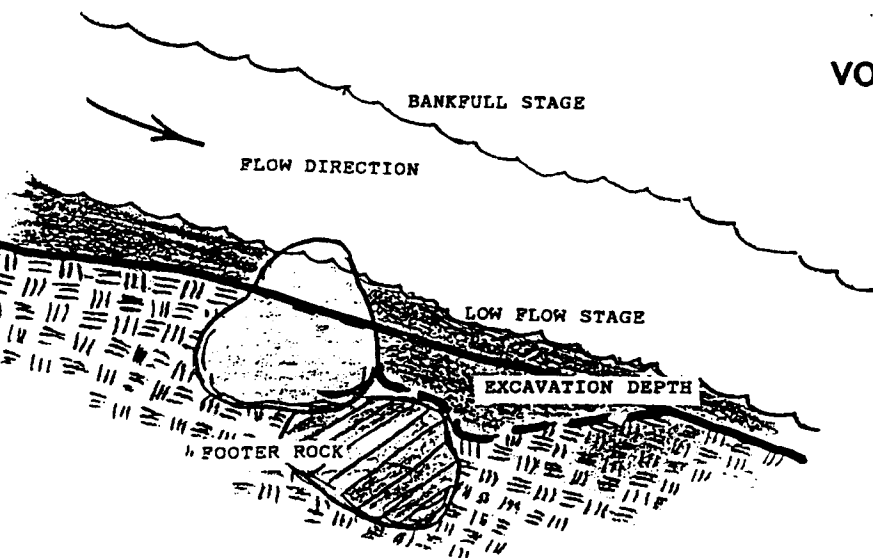


VORTEX ROCK WEIR

CROSS-SECTION VIEW

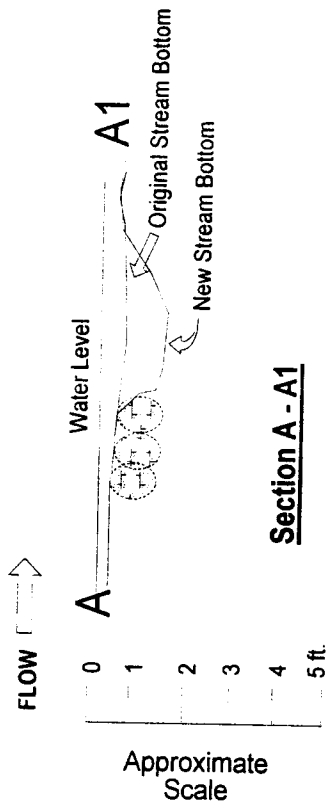
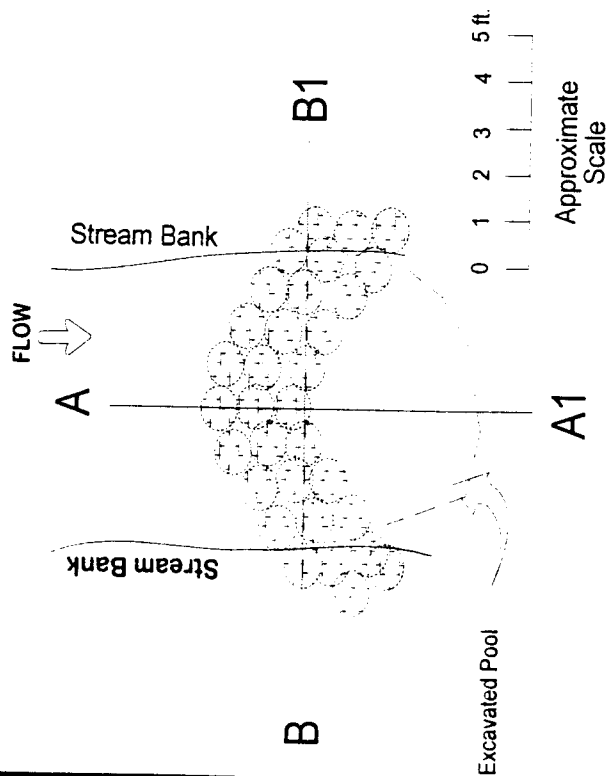


VORTEX ROCK WEIR



VORTEX ROCK WEIR  
PROFILE VIEW

## Plan View



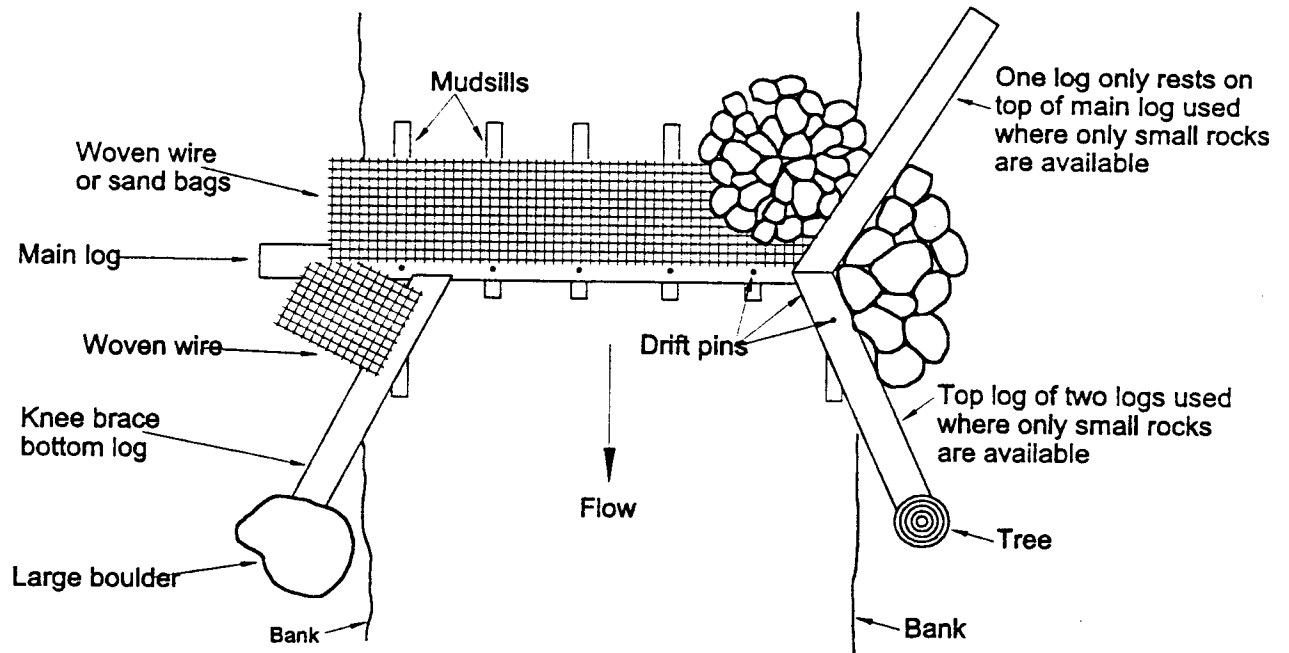
## UPSTREAM "U" OR "V"

1. The U is always lower in the middle.
2. The rocks **MUST** slope down from the bank to the UPSTREAM point.
3. Use the material excavated from the pool to fill the spaces between the rock.
4. Anchor the ends into the bank.
5. Try to confine the low flow to the middle 1/3 of the creek. The upstream notch may be placed at any point to move the current from side to side.
6. Amour the banks with rip-rap where needed to protect banks.

SCALE TO SITE



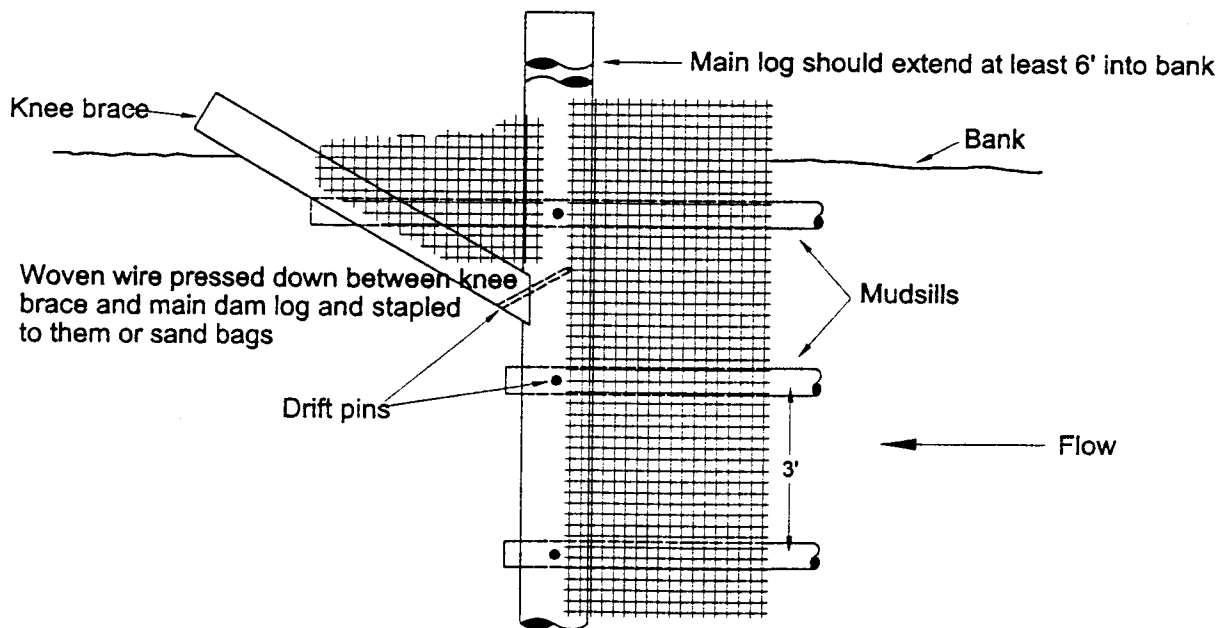
# K - Sill



## K-Sill

Plan View

Showing one end and seal partly constructed



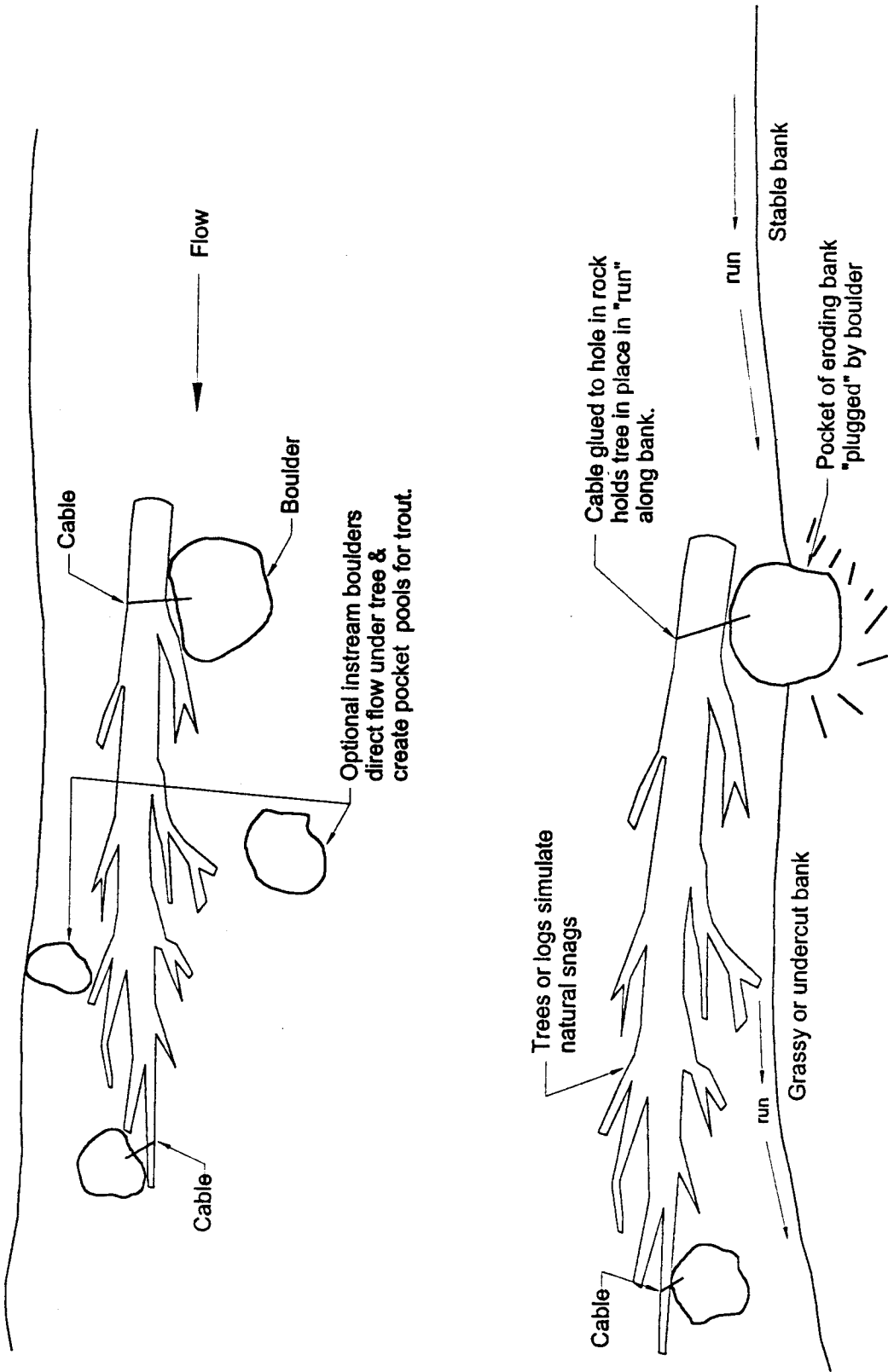
## K-Sill Detail

Plan View

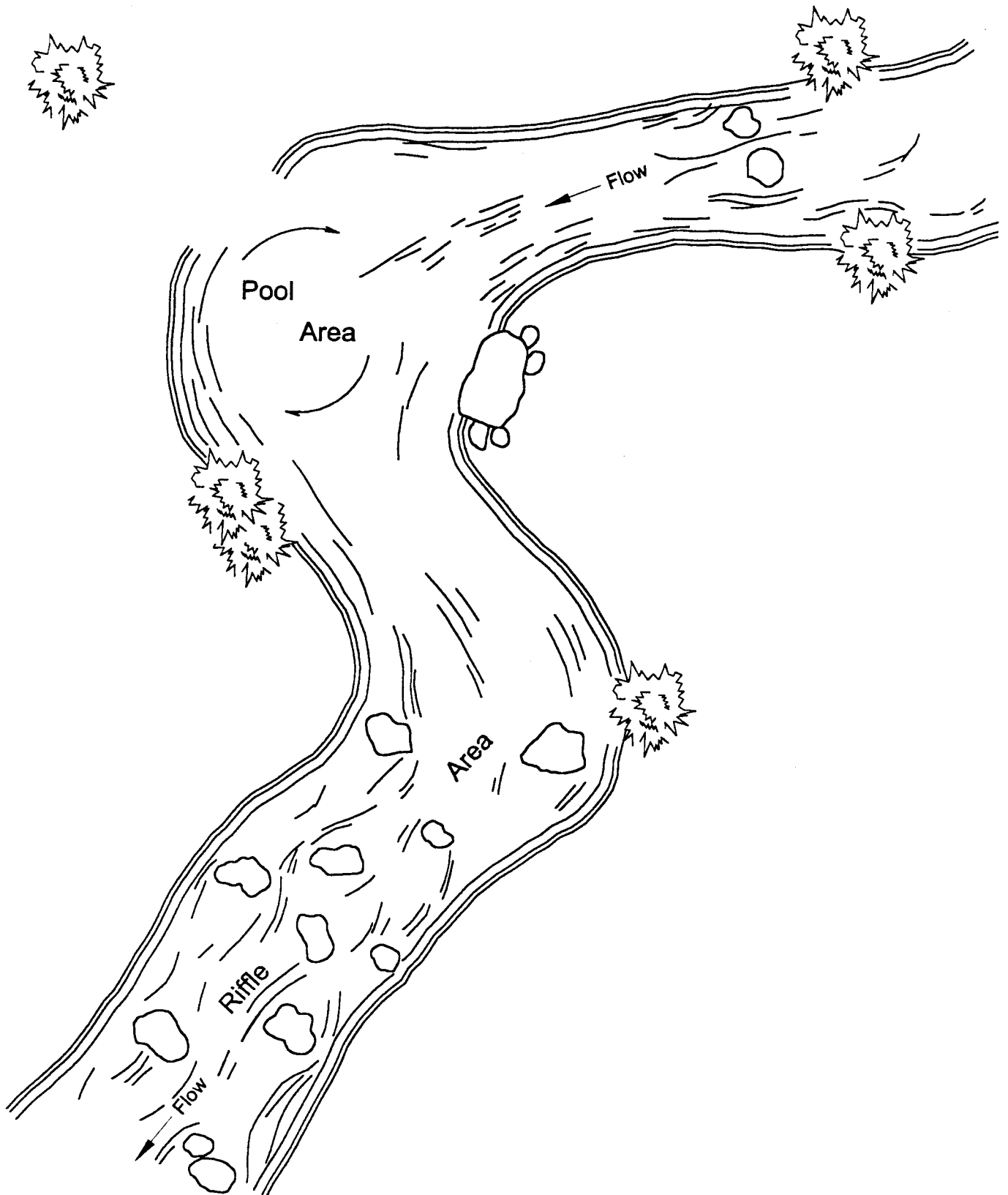
Close up of one end with wire in place



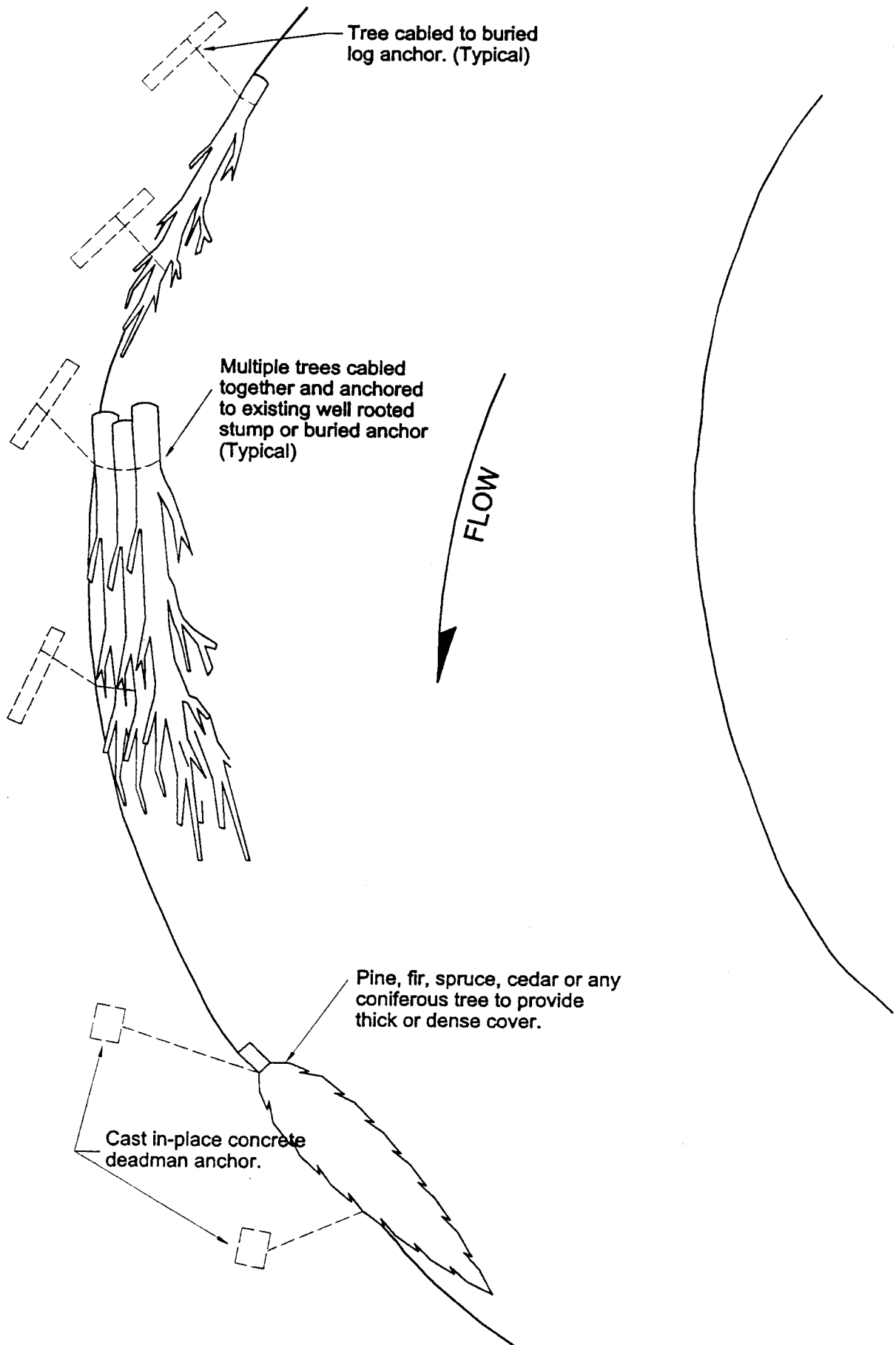
# Scattered Boulders and Cover Trees



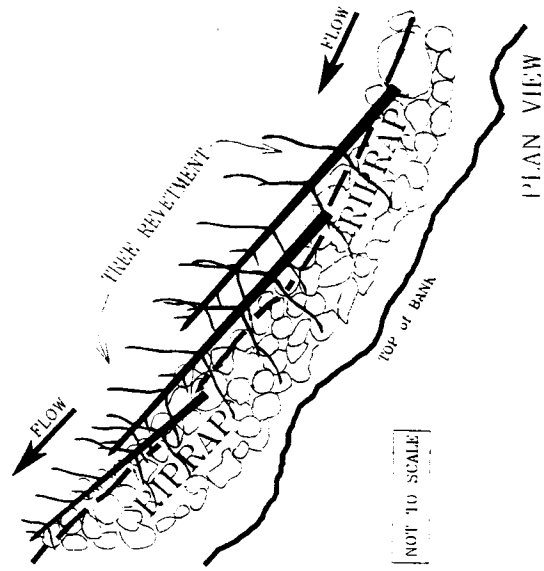
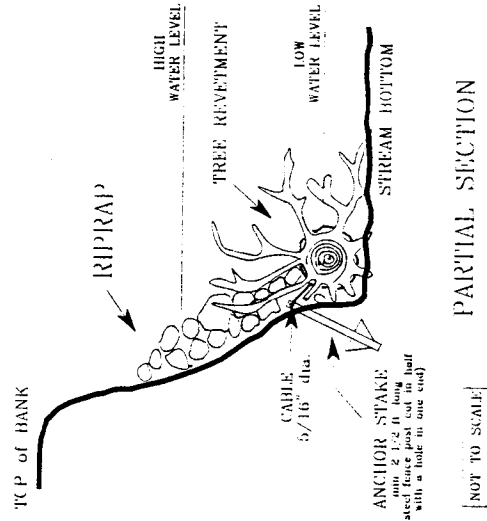
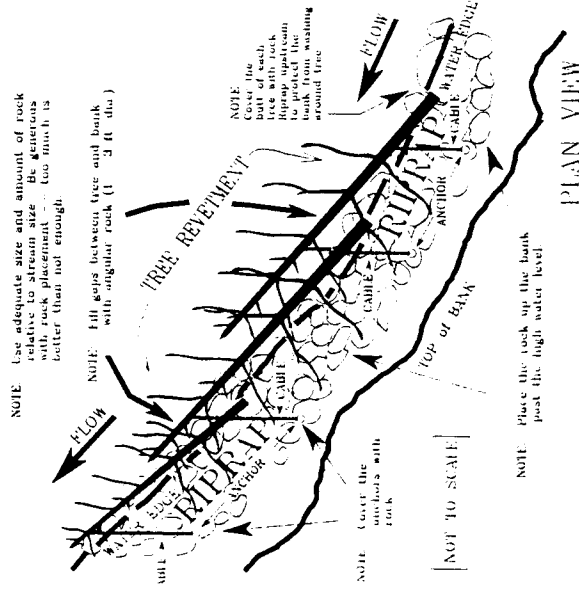
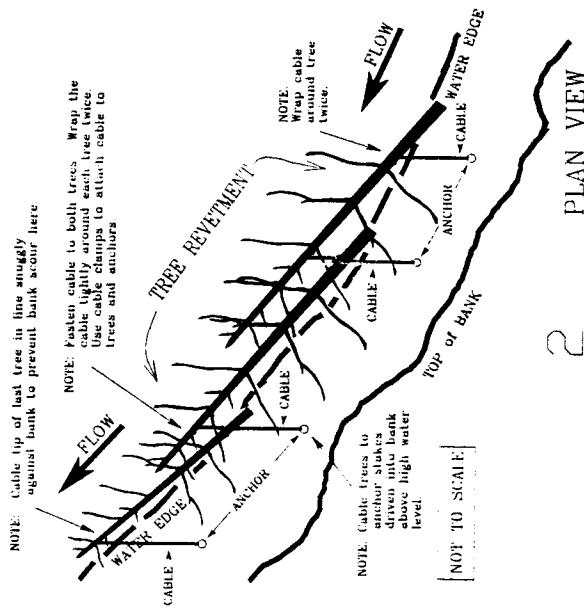
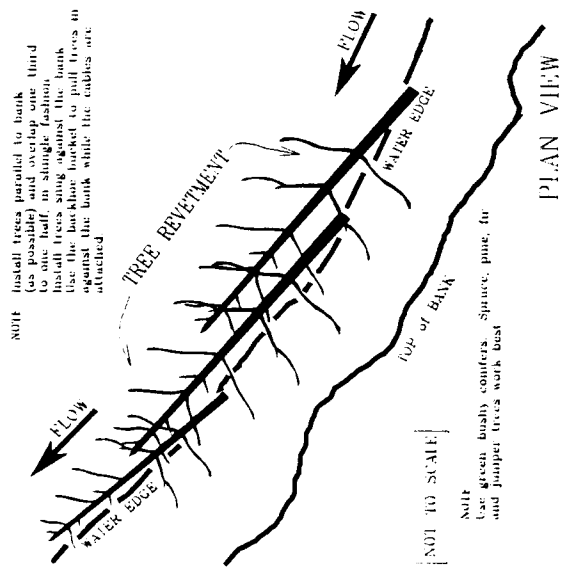
## Random Boulder Placement



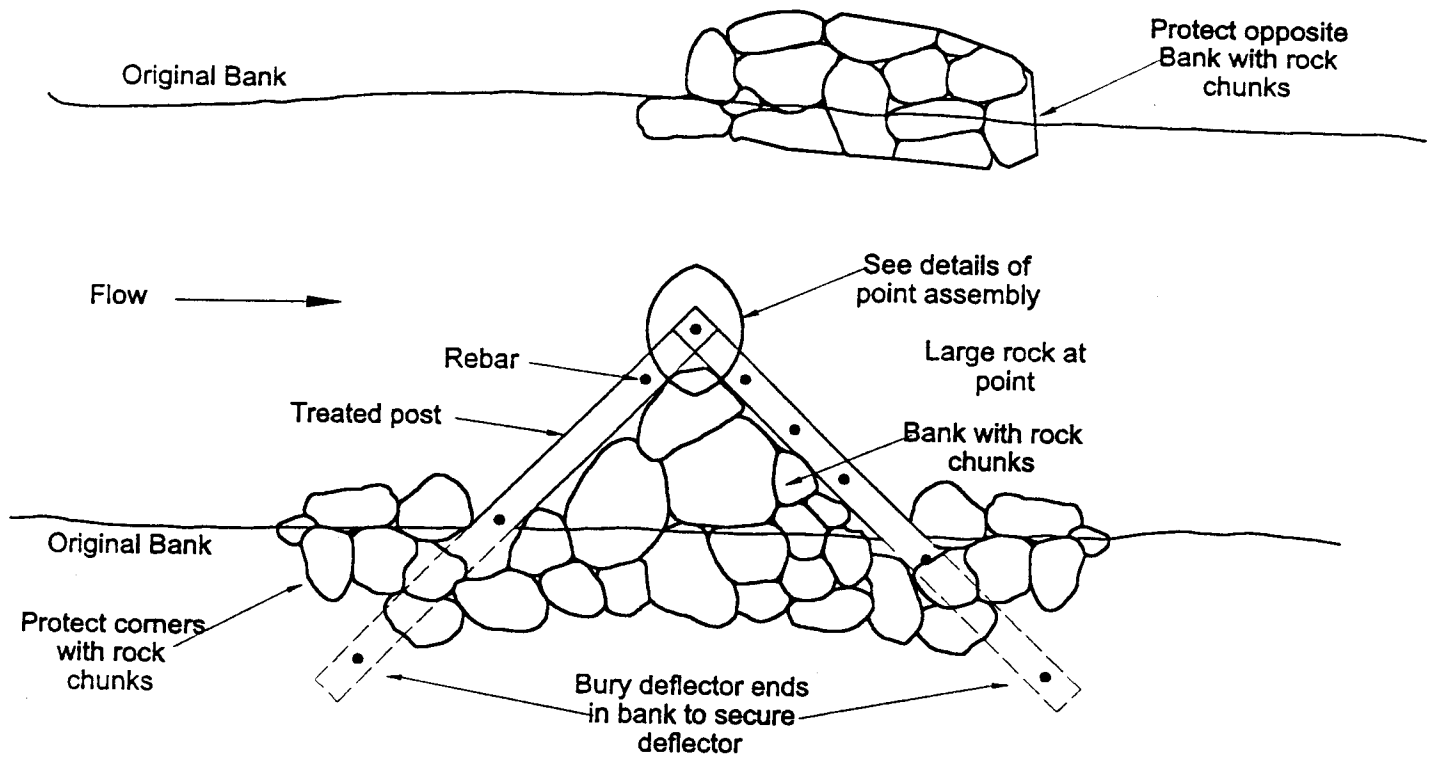
# Tree Revetments & Crib Trees



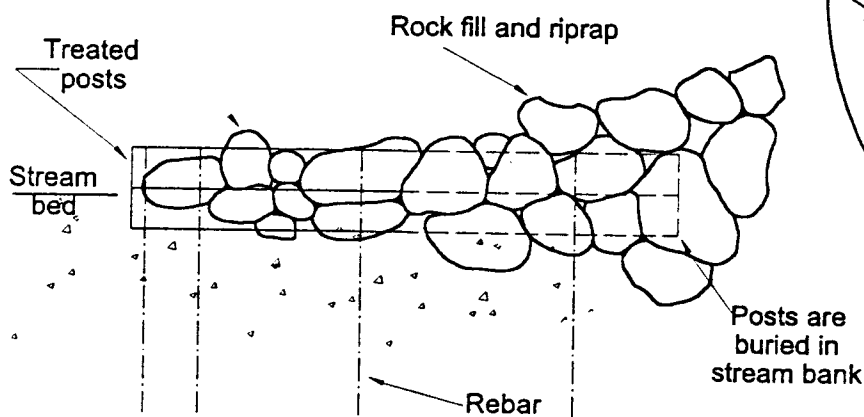
# TREE AND ROCK REVETMENTS



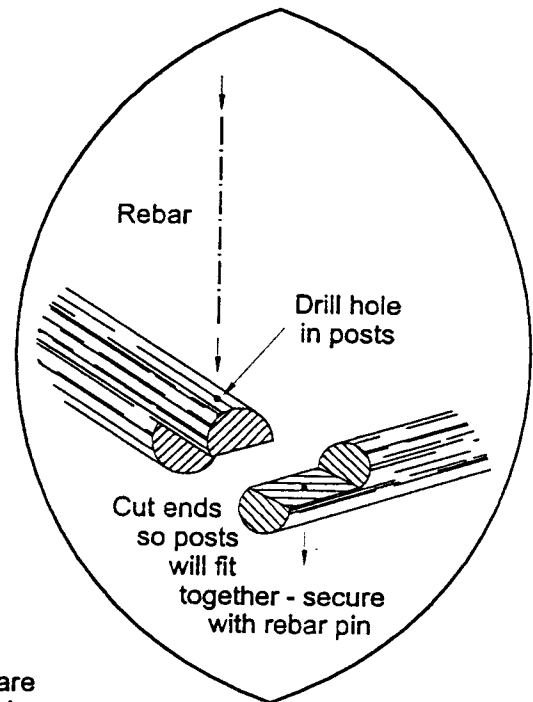
# Log/Timber Deflector



Top View

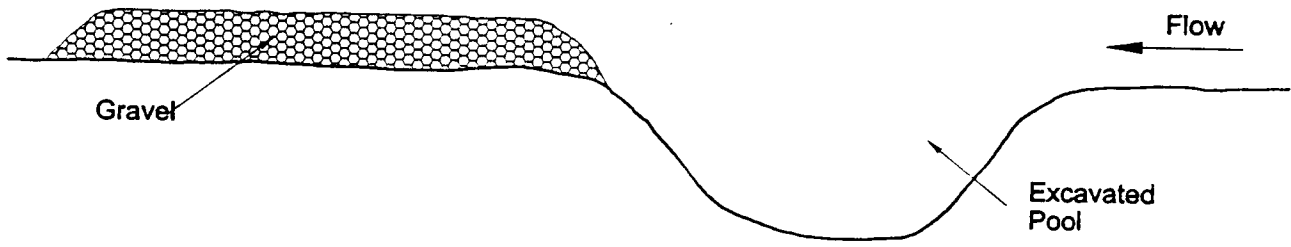


Side View

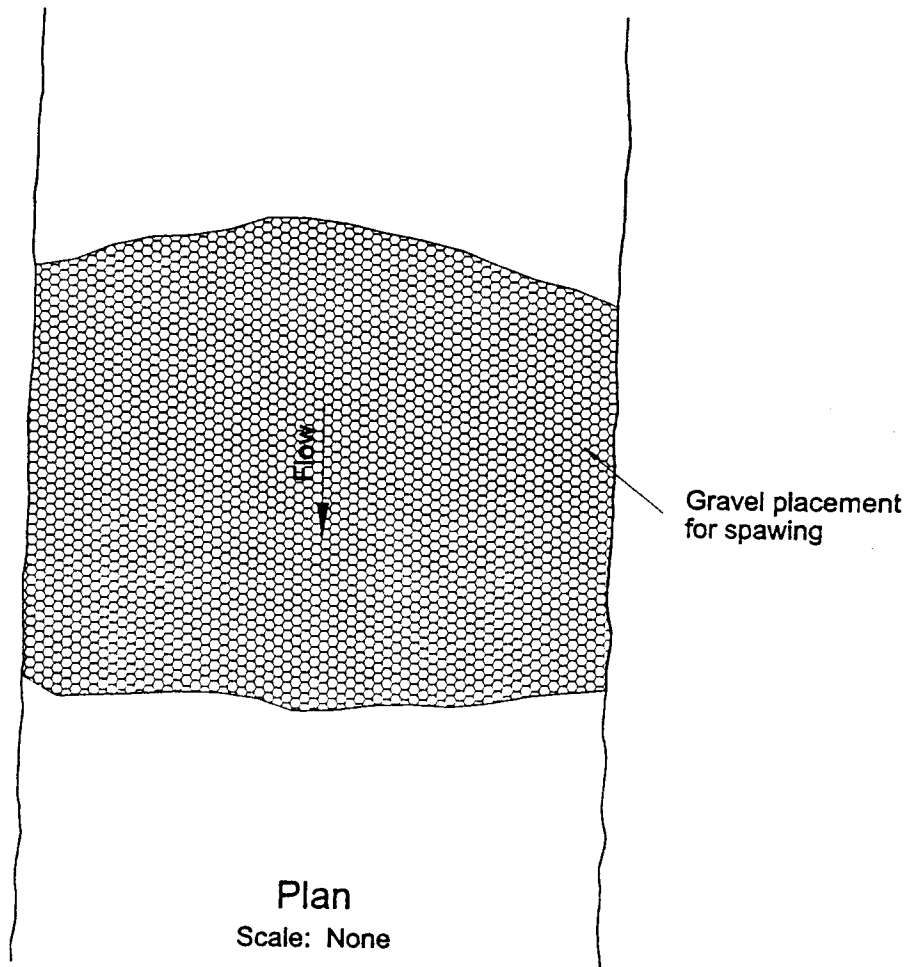


Details of Point Assembly

# Spawning Gravels

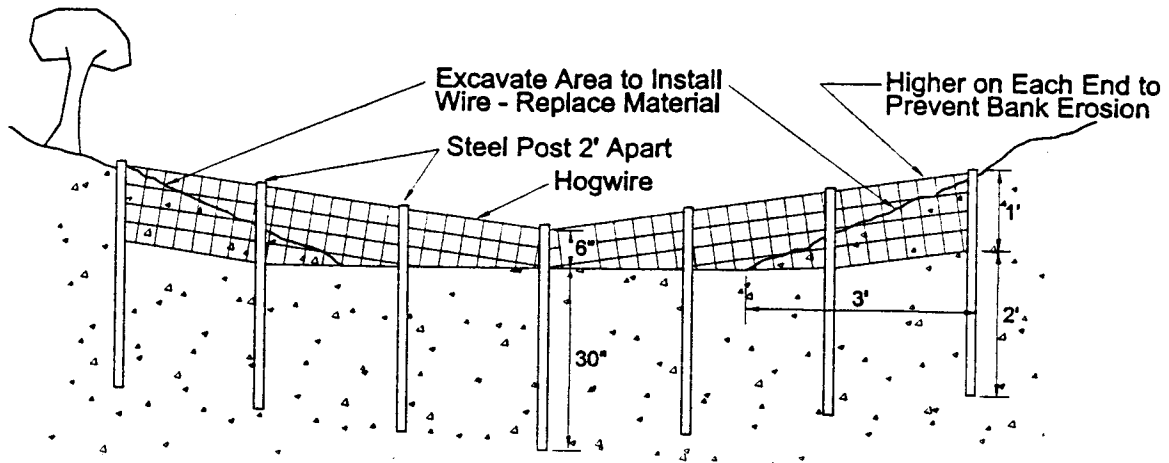


Section  
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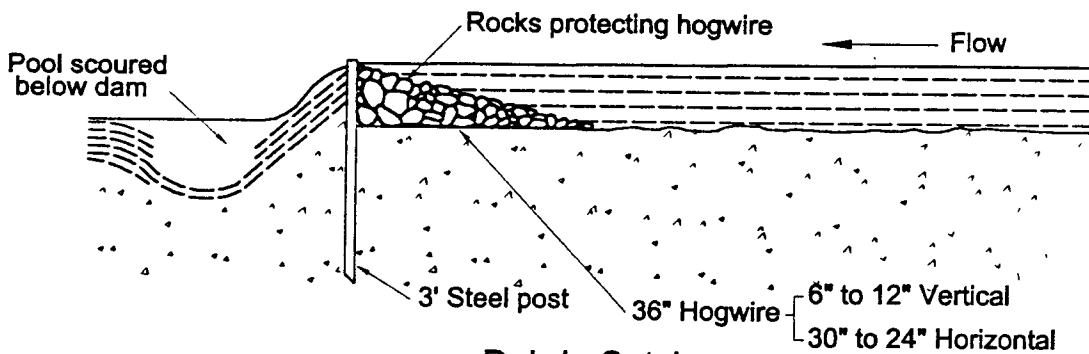
Plan  
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# Debris Catcher



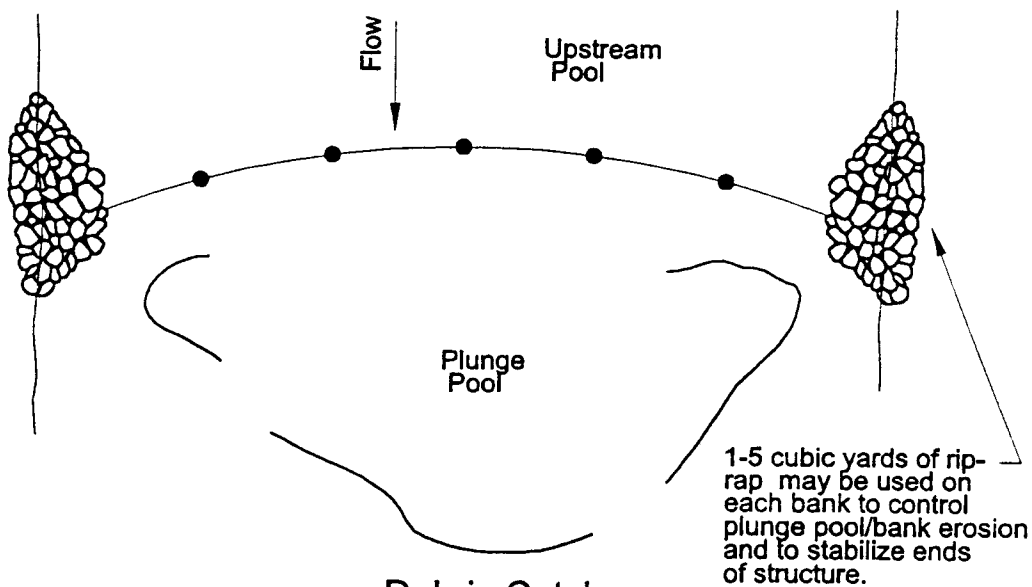
**Debris Catcher  
Cross Section**

Scale: None



**Debris Catcher  
Longitudinal Section**

Scale: None

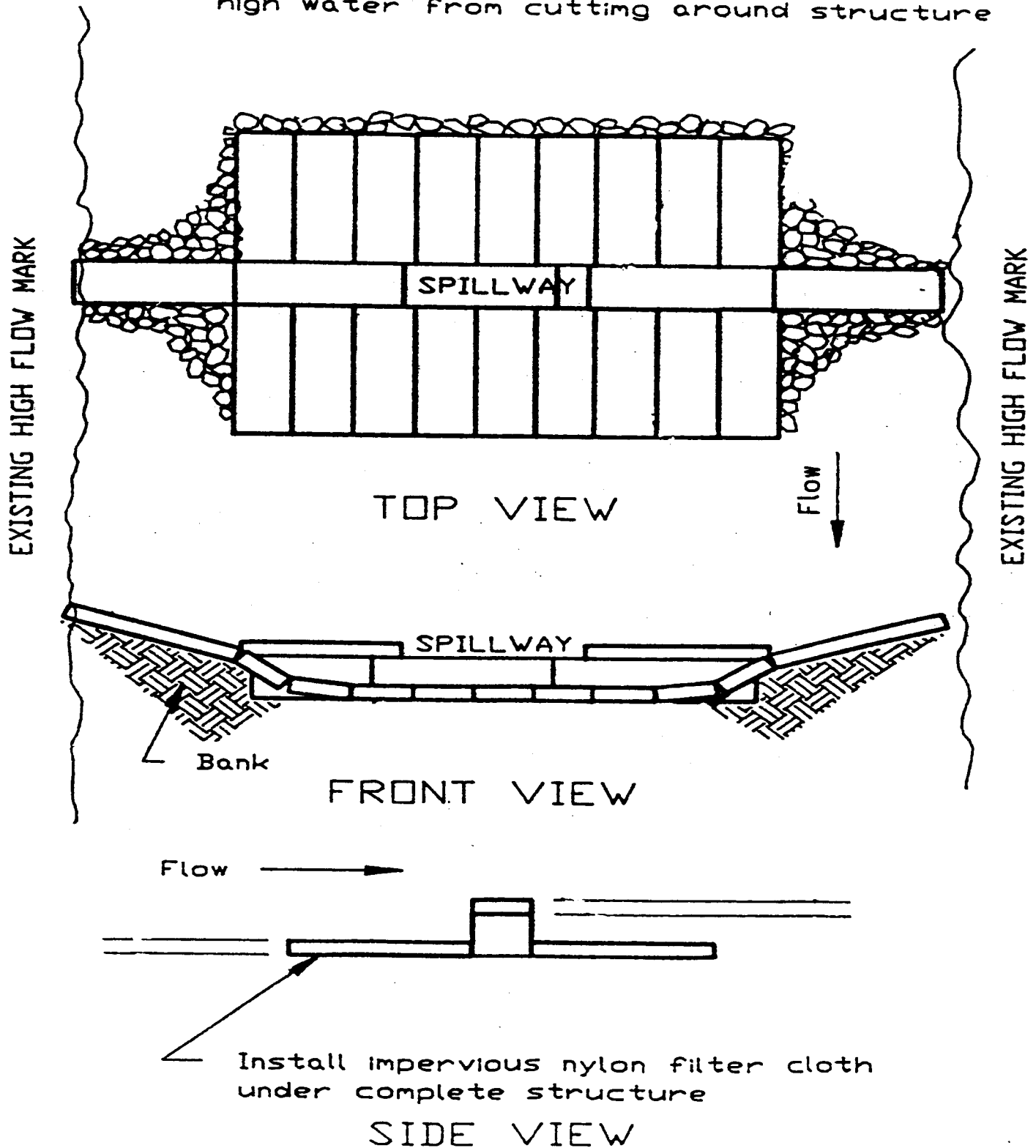


**Debris Catcher  
Plan View**

Scale: None

# GENERIC GABION FISH BARRIER (Modify to Site)

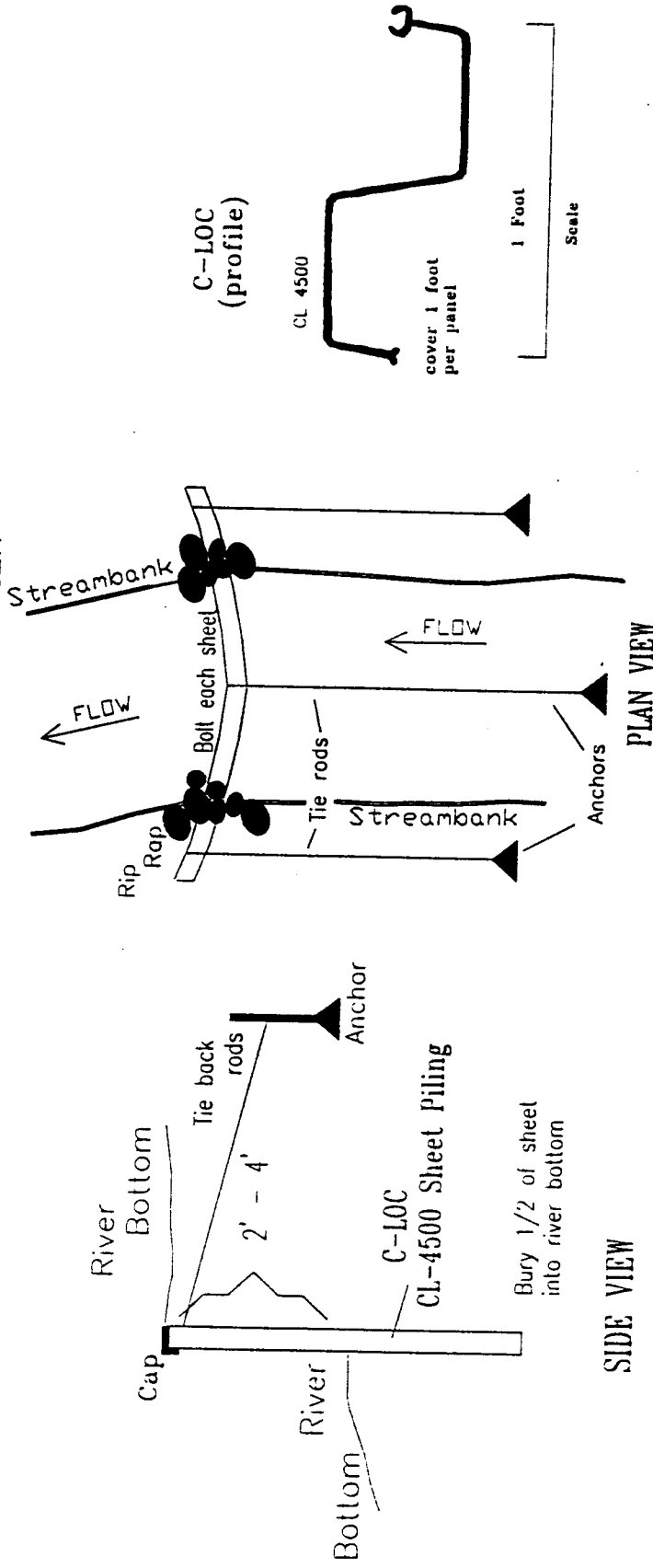
Large rock on corners to prevent  
high water from cutting around structure



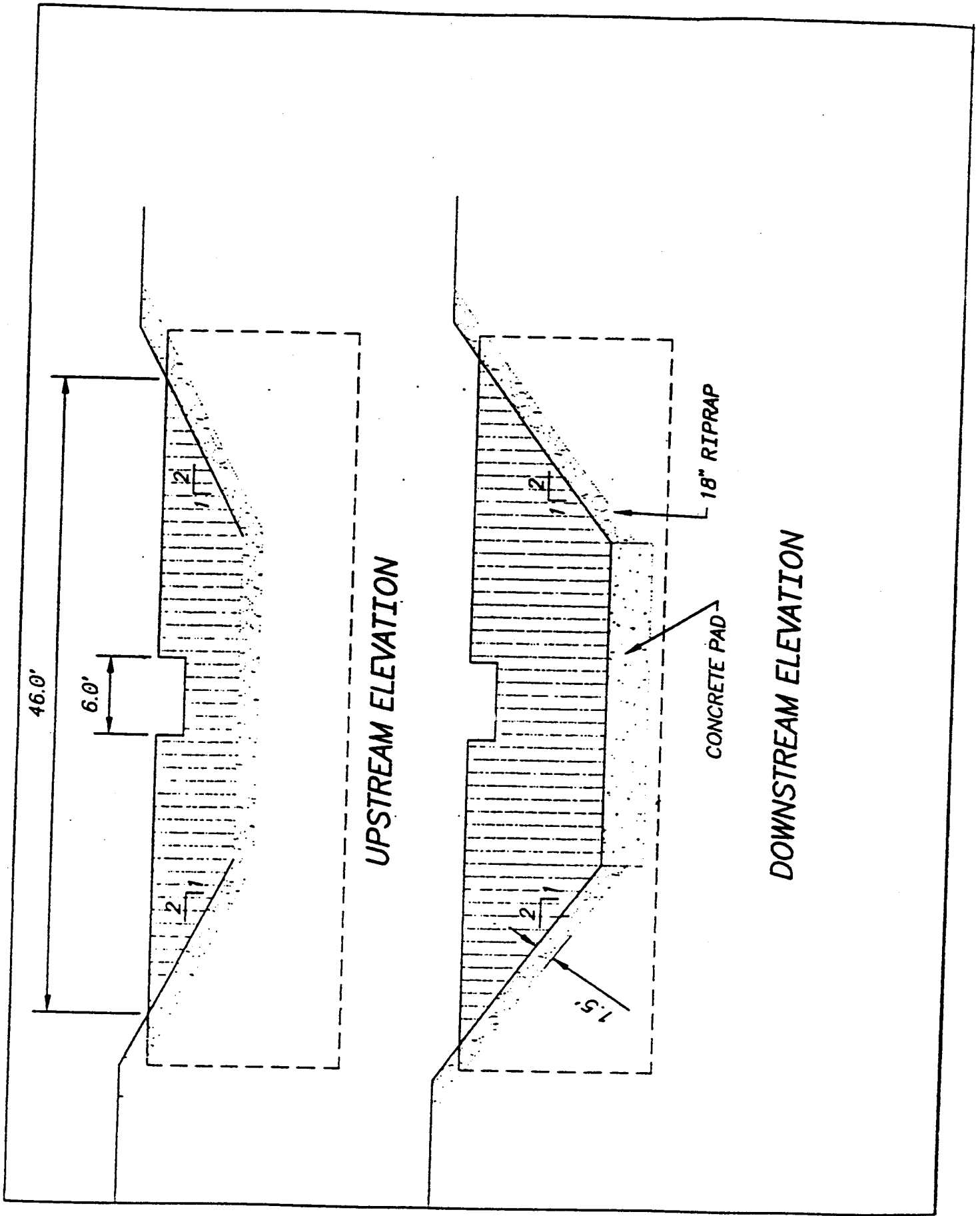


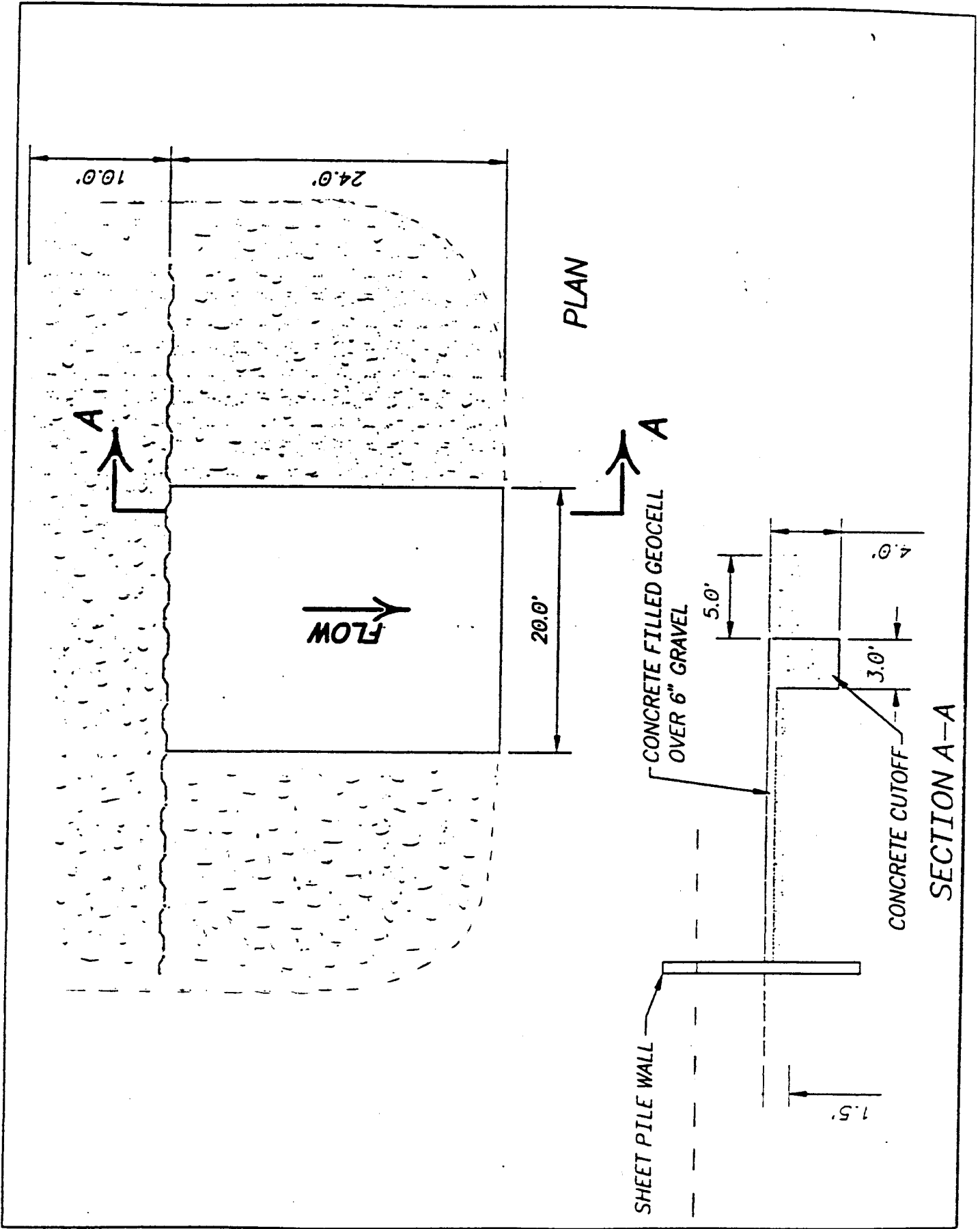
# SHEET PILING - GRADE CONTROL

## TYPICAL INSTALLATION



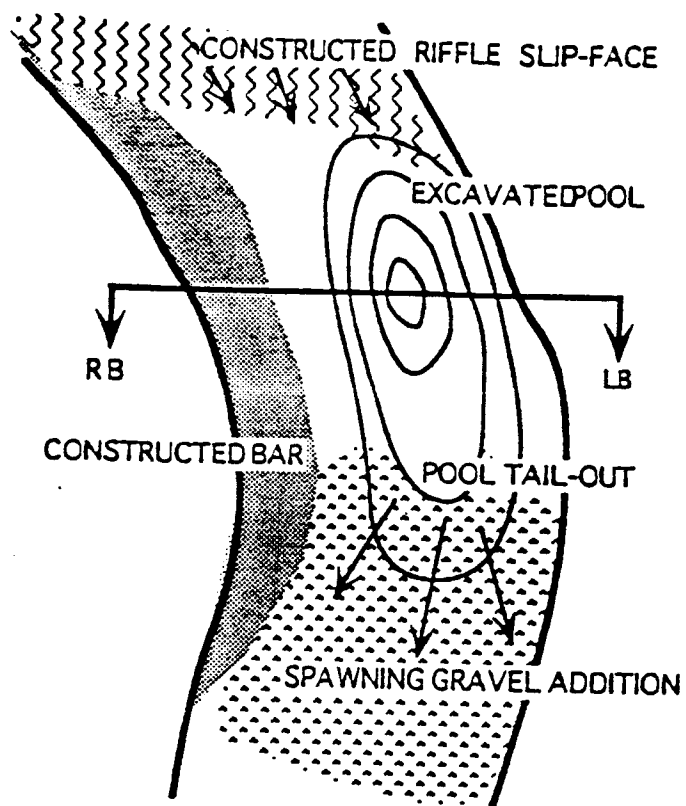
Panel Length	Amount Buried	Tie Back Length	Tie Back Rod Size	Cap Size Wood	Anchor Length
8'	4'	8'	5/8"	4"x4"	3'
10'	5'	10'	5/8"	4"x4"	4'
12'	6'	12'	3/4"	4"x6"	5'
14'	7'	14'	3/4"	6"x8"	6'
16'	8'	16'	3/4"	6"x8"	7'



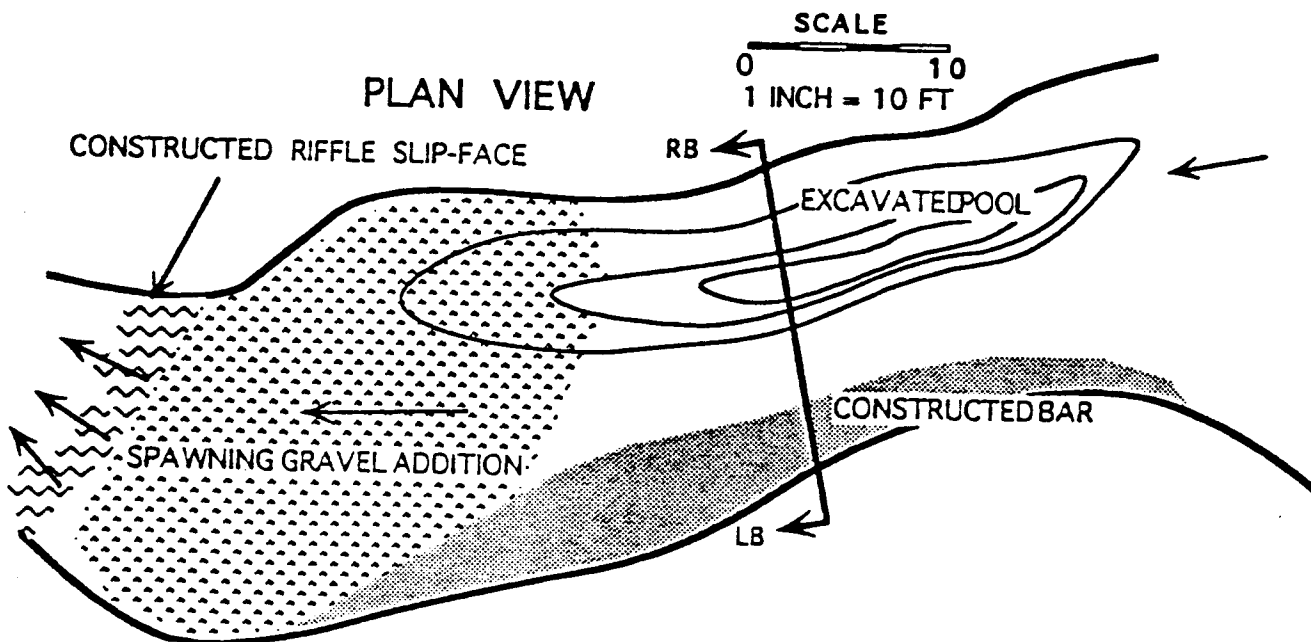


## PLAN VIEW

## Channel Constriction

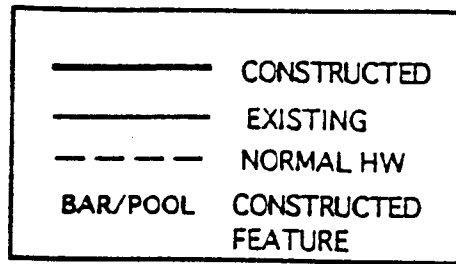


## PLAN VIEW

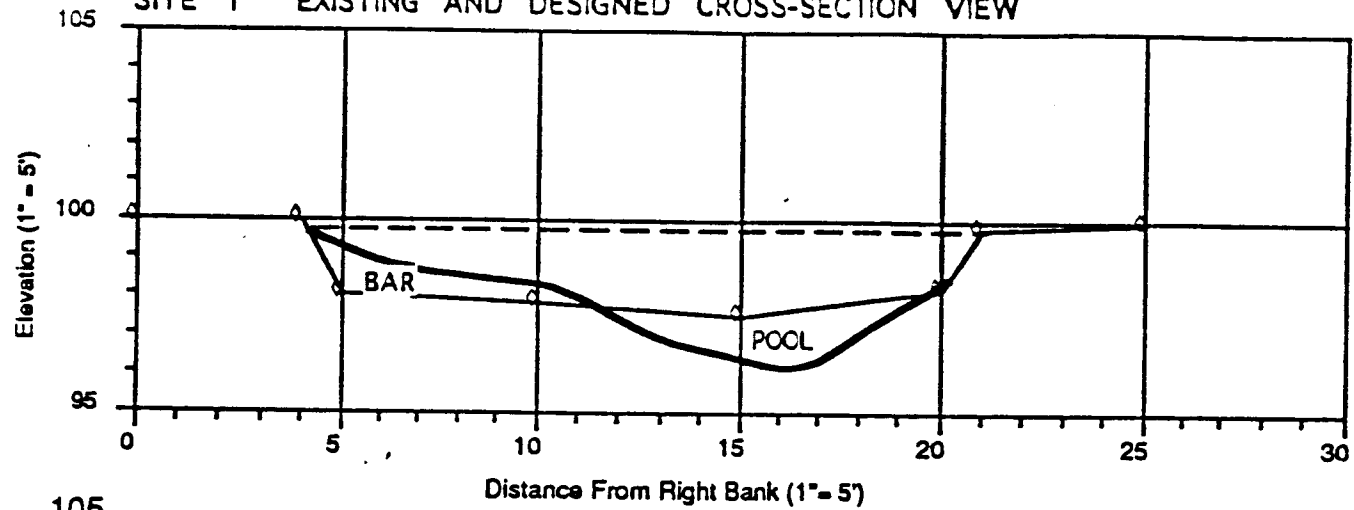


## CROSS-SECTION VIEWS

## Channel Constriction



SITE 1 EXISTING AND DESIGNED CROSS-SECTION VIEW



SITE 2 EXISTING AND DESIGNED CROSS-SECTION VIEW

